DOCUMENT RESUME

ED 157 484 HE 010 331

TITLE Providing for the Conveyance of Certain Lands to the University of Nevada. Senate Report No. 95-521.
INSTITUTION Congress of the U.S., Washington, D.C. Senate Committee on Energy and Natural Resources.
PUB DATE 20 Oct 77
NOTE 9p.

EDRS PRICE MF-$0.83 HC-$1.67 Plus Postage.
DESCRIPTORS *Federal Legislation; Government Role; Higher Education; *Land Acquisition; *State Universities
IDENTIFIERS Senate Committee on Energy and Natural Resources; *University of Nevada

ABSTRACT

This report from the Senate Committee on Energy and Natural Resources recommends the passage of Senate bill S. 917, as amended by the committee, to provide for the conveyance of certain lands adjacent to the Gund Ranch, Grass Valley, Nevada to the University of Nevada. Information provided includes: a summary of the provisions and committee amendment, legislative history of the bill, committee recommendation, cost and budgetary considerations, regulatory impact of evaluation, and the report of the Department of Interior pertaining to S. 917. (SPG)

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ED157484

# Calendar No. 477

95TH CONGRESS, 1st Session } SENATE { REPORT No. 95-521

## PROVIDING FOR THE CONVEYANCE OF CERTAIN LANDS TO THE UNIVERSITY OF NEVADA

OCTOBER 20 (legislative day, OCTOBER 19), 1977.—Ordered to be printed

Mr. LAXALT, from the Committee on Energy and Natural Resources, submitted the following

## REPORT

[To accompany S. 917]

The Committee on Energy and Natural Resources, to which was referred the bill, S. 917, to provide for conveyance of certain lands adjacent to the Gund Ranch, Grass Valley, Nevada to the University of Nevada, having considered the same, reports favorably thereon with an amendment to the text in the nature of a substitute and recommends that the bill, as amended, do pass.

The amendment is as follows:

Strike all after the enacting clause and insert in lieu thereof the following:

That the Secretary of the Interior is authorized to convey to the University of Nevada upon its application the following lands located in the State of Nevada, or any portion thereof, under the provisions of the act of June 14, 1926, as amended (44 Stat. 741, as amended; 43 U.S.C. 869), but notwithstanding the acreage limitations in subsection (b)(ii) of the limitation on disposition in the last sentence of subsection (c) of the first section of that Act:

1. East half southwest quarter, section 7, township 24 north, range 48 east, 80 acres;
2. Southeast quarter northwest quarter, section 7, township 24 north, range 48 east, 40 acres;
3. South half northeast quarter, section 7, township 24 north, range 48 east, 80 acres;
4. South half northwest quarter, section 8, township 24 north, range 48 east, 80 acres;
5. South half southeast quarter, section 8, township 24 north, range 48 east, 80 acres;
6. West half, section 16, township 24 north, range 48 east, 320 acres;
7. West half southeast quarter, section 16, township 24 north, range 48 east, 80 acres;
8. Southwest quarter northeast quarter, section 16, township 24 north, range 48 east, 40 acres;
9. Entire, section 17, township 24 north, range 48 east, 640 acres

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U S DEPARTMENT OF HEALTH, EDUCATION & WELFARE NATIONAL INSTITUTE OF EDUCATION

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10. Northeast quarter northwest quarter, section 18, township 24 north, range 48 east, 40 acres;
11. North half northeast quarter, section 18, township 24 north, range 48 east, 80 acres;
12. Northwest quarter northwest quarter, section 20, township 24 north, range 48 east, 40 acres.
13. East half northwest quarter, section 20, township 24 north, range 48 east, 80 acres;
14. East half, section 20, township 24 north, range 48 east, 320 acres;
15. West half, section 21, township 24 north, range 48 east, 320 acres;
16. West half northeast quarter, section 21, township 24 north, range 48 east, 80 acres;
17. Northwest quarter southeast quarter, section 21, township 24 north, range 48 east, 40 acres;
18. West half, section 28, township 24 north, range 48 east, 320 acres;
19. East half, section 29, township 24 north, range 48 east, 320 acres;
20. South half northwest quarter, section 4, township 23 north, range 48 east, 80 acres;
21. Southwest quarter, section 5, township 23 north, range 48 east, 160 acres;
22. West half southwest quarter, section 5, township 23 north, range 48 east, 80 acres;
23. Southwest quarter northwest quarter, section 5, township 23 north, range 48 east, 40 acres;
24. East half southeast quarter, section 7, township 23 north, range 48 east, 80 acres;
25. West half west half, section 8, township 23 north, range 48 east, 160 acres;
26. East half east half, section 8, township 23 north, range 48 east, 160 acres;
27. Southwest quarter, section 9, township 23 north, range 48 east, 160 acres;
28. South half northwest quarter, section 9, township 23 north, range 48 east, 80 acres;
29. Northwest quarter, northwest quarter, section 9, township 23 north, range 48 east, 40 acres;
30. West half, section 16, township 23 north, range 48 east, 320 acres;
31. East half east half, section 17, township 23 north, range 48 east, 160 acres;
32. West half west half, section 17, township 23 north, range 48 east, 160 acres;
33. East half, section 18, township 23 north, range 48 east, 320 acres;
34. Lots 3 and 4, east half, southwest quarter, section 19, township 23 north, range 48 east, 110.79 acres;
35. West half southeast quarter, section 19, township 23 north, range 48 east, 80 acres;
36. Northeast quarter, section 19, township 23 north, range 48 east, 160 acres;
37. West half northwest quarter, section 20, township 23 north, range 48 east, 80 acres;
38. East half southwest quarter, section 20, township 23 north, range 48 east, 80 acres;
39. Southeast quarter, section 20, township 23 north, range 48 east, 160 acres;
40. East half northeast quarter, section 20, township 23 north, range 48 east, 80 acres;
41. West half west half, section 21, township 23 north, range 48 east, 160 acres;
42. Northeast quarter, section 29, township 23 north, range 48 east, 160 acres;
43. West half southeast quarter, section 29, township 23 north, range 48 east, 80 acres;
44. West half, section 29, township 23 north, range 48 east, 320 acres;
45. Entire, section 30, township 23 north, range 48 east, 542.28 acres;
46. Entire, section 31, township 23 north, range 48 east, 543.44 acres;
47. Northwest quarter, section 32, township 23 north, range 48 east, 160 acres.

SEC. 2. No conveyance shall be made under this Act unless application therefor by the University of Nevada is received by the Secretary of the Interior within one year of the effective date of this act.

SEC. 3. The land conveyed by this act shall be used for the establishment and operation of a rangeland research station and for the conduct of associated experimental range management and improvement programs. The patent or other document of conveyance issued pursuant to this act shall incorporate the limitation set forth in this section and shall provide that title to the land shall revert to the United States if the land is used for any other purpose.

## Purpose

S. 917 would direct the Secretary of the Interior to convey to the University of Nevada all right, title and interest of the United States to about 8,040 acres of Bureau of Land Management land.

## Background

The lands described in S. 917 are vacant public lands lying between the floor of Grass Valley and the Simpson Park Mountain range. About one-fourth of the acreage appears to have good potential for intensive agricultural use by irrigation. In 1973, the University of Nevada acquired the Gund Ranch, a working cattle ranch adjacent to the lands that would be conveyed by S. 917. The ranch consists of about 2,800 acres which in conjunction with the contiguous public lands supported a 450–500 head cattle operation on a year-long basis.

If operation of the ranch on a commercial basis were continued, the owner could generally expect that grazing privileges on the adjacent public lands could continue. However, since the University is not in the livestock business, it could not qualify as a grazing permittee under the Taylor Grazing Act (43 U.S.C. 315).

The University now wishes to obtain the public lands in question for agricultural and natural resources research and demonstration. If appropriate arrangements could be made in this regard, range users, as well as the Bureau of Land Management and other land managing agencies, could be greatly benefited by the results of the research undertaken. In an attempt to find some mutually acceptable course of action there have been, for over a year, numerous discussions between the University and the BLM's Nevada State Office. The decision was reached that legislation was required.

## Summary of Provisions and Committee Amendment

Under S. 917, as introduced, the conveyance of title for the 8,040 acres would reserve mineral interests to the United States unless the criteria of Section 209 of the Federal Land Policy and Management Act of 1976 (FLPMA) are met. Administrative costs would be paid by the University and the conveyance would be made upon such terms and conditions as the Secretary dee as necessary to insure proper land use and protection of the public interest. The land would be used for a rangeland research station and for conduct of an associated experimental range management and improvement program. Title would revert if it were used for other purposes. The conveyance would not be subject to the requirements of the National Environmental Policy Act of 1969 (NEPA).

The administration witness at the hearing on S. 917 objected to its provisions on several grounds which are detailed in the report of the Department of the Interior printed in the executive communications section of this report. During the mark-up on S. 917, Senator Laxalt offered as an amendment a substitute bill suggested by the administration.

The amendment, agreed to by the Committee on Energy and Natural Resources, would enable the Secretary to receive and consider the Uni-

versity's application for a conveyance of the lands in question under the provisions of the Recreation and Public Purposes Act, notwithstanding the acreage limitations therein. This would do no more than waive the acreage limitations and would enable the Secretary to consider the University's application for all of the lands and make the conveyance at a low cost to the University. Other requirements of the Recreation and Public Purposes Act (44 Stat. 741, as amended; 43 U.S.C. 869), such as submission of a plan to the Secretary and the requirement that no more land be conveyed than is needed for the project proposed would remain in effect. Minerals would be reserved and a reverter would be included in the patent. NEPA would apply.

## Legislative History

S. 917 was introduced on March 4, 1977, by Senator Laxalt, for himself and Senator Cannon. The Subcommittee on Public Lands and Resources of the Committee on Energy and Natural Resources held a hearing on the measure on September 22, 1977.

## Committee Recommendation

The Committee on Energy and Natural Resources, in open business meeting on October 19, 1977, by a unanimous voice vote of a quorum present, recommended that the Senate pass S. 917, if amended as described herein.

## Cost and Budgetary Considerations

Set forth below is an October 19, 1977, Congressional Budget Office cost estimate for S. 917, as amended:

Congressional Budget Office,
U.S. Congress,
*Washington, D.C., October 19, 1977.*

Hon. Henry M. Jackson,
*Chairman, Committee on Energy and Natural Resources, U.S. Senate, Dirksen Senate Office Building, Washington, D.C.*

Dear Mr. Chairman: Pursuant to Section 403 of the Congressional Budget Act of 1974, the Congressional Budget Office has prepared the attached cost estimate for S. 917, a bill to provide for conveyance of certain lands adjacent to the Gund Ranch, Grass Valley, Nevada, to the University of Nevada.

Should the committee so desire, we would be pleased to provide further details on the attached cost estimate.

Sincerely,

Alice M. Rivlin, *Director.*

### Congressional Budget Office—Cost Estimate

October 19, 1977.

1. Bill number: S. 917.

2. Bill title: A bill to provide for conveyance of certain lands adjacent to the Gund Ranch, Grass Valley, Nevada, to the University of Nevada.

3. Bill status: As ordered reported by the Senate Committee on Energy and Natural Resources, October 10, 1977.

4. Bill purpose: S. 917 provides that 47 legally described pieces of land, totaling approximately 7,800 acres, be conveyed from the Department of the Interior to the University of Nevada. The 640-acre limitation contained in the act of June 14, 1926 will not apply to this transaction. The limitations on disposal contained in the act of June 14, 1926, will not apply; use of the land for any purpose other than as a rangeland research station will cause title to revert to the Federal Government. Application for conveyance must be made by the University of Nevada within 1 year of the effective date of S. 917.

5. Revenue estimate: The following table presents the estimated revenues associated with S. 917 for fiscal years 1978 through 1982:

| | *Receipts from sale of land* |
|---|---|
| Fiscal year: | |
| 1978 | |
| 1979 | $195,000 |
| 1980 | |
| 1981 | |
| 1982 | |

6. Basis of estimate: The Department of the Interior has estimated a range in value per acre of $25 to $45. However, the Secretary has the option of reducing the price because this land transfer is in the public interest. Therefore, the cost estimate assumes that the charge per acre would be $25, the low end of the range.

The University of Nevada has one year after enactment to design a land use plan and apply for the transfer. Then public hearing is required, and an accurate appraisal of the land's value. Given these requirements, it is unlikely that the transfer would occur before fiscal year 1979.

The Department of Interior estimates a small cost (probably less than $100) of holding the required public energy.

7. Estimate comparison: None.

8. Previous CBO estiate: None.

9. Estimate prepared by: Marilyn K. Moore.

10. Estimate approved by:

C. G. Nuckols
(For James L. Blum,
Assistant Director for Budget Analysis).

## Regulatory Impact Evaluation

In compliance with subsection 5 of rule XXIX of the Standing Rules of the Senate, the committee makes the following evaluation of the regulatory impact which would be incurred in carrying out S. 917, as amended.

The bill is not a regulatory measure in the sense of imposing Government-established standards or significant economic responsibilities on private individuals and businesses. No personal information would be collected in administering the program. Therefore, there would be no impact on personal privacy. Little if any additional paperwork would result from the enactment of S. 917, as amended.

EXECUTIVE COMMUNICATIONS

Set forth below is the report of the Department of the Interior pertaining to S. 917.

U.S. DEPARTMENT OF THE INTERIOR,
OFFICE OF THE SECRETARY,
*Washington, D.C., September 21, 1977.*

Hon. HENRY M. JACKSON,
*Chairman, Committee on Energy and Natural Resources, U.S. Senate, Washington, D.C.*

DEAR MR. CHAIRMAN: This will respond to your request for our views on S. 917, a bill to provide for conveyance of certain lands adjacent to the Gund Ranch, Grass Valley, Nev., to the University of Nevada.

We would have no objection to enactment of the enclosed draft substitute bill in lieu of S. 917.

S. 917 would direct the Secretary of the Interior to convey to the University of Nevada, all right, title, and interest of the United States to certain lands comprising about 8,040 acres. Any conveyance of title would reserve mineral interests to the United States unless the criteria of section 209 of the Federal Land Policy and Management Act of 1976 (FLPMA) are met. Administrative costs would be paid by the university and the conveyance would be made upon such terms and conditions as the Secretary deems necessary to insure proper land use and protection of the public interest. The land would be used for a rangeland research station and for conduct of an associated experimental range management and improvement program. Title would revert if it were used for other purposes. The conveyance would not be subject to the requirements of the National Environmental Policy Act of 1969 (NEPA).

The lands described in S. 917 are vacant public lands lying between the floor of Grass Valley and the Simpson Park Mountain range. About one-fourth of the acreage appears to have good potential for intensive agricultural use by irrigation. In 1973, the University of Nevada acquired the Gund Ranch, a working cattle ranch adjacent to the lands that would be conveyed by S. 917. The ranch consists of about 2,800 acres which in conjunction with the contiguous public lands supported a 450–500 head cattle operation on a year-long basis.

If operation of the ranch on a commercial basis were continued, the owner could generally expect that grazing privileges on the adjacent public lands could continue. However, since the university is not in the livestock business, it could not qualify as a grazing permittee under the Taylor Grazing Act (43 U.S.C. 315).

The university now wishes to obtain the public lands in question for agricultural and natural resources research and demonstration. If appropriate arrangements could be made in this regard, range users, as well as the Bureau of Land Management and other land managing agencies, could be greatly benefited by the results of the research undertaken. In an attempt to find some mutually acceptable course of action there have been, for over a year, numerous discussions between the university and the BLM's Nevada State Office.

A number of existing authorities were explored whereby the lands could be used by or conveyed to the university. However, under the various authorities explored it appears that the university believes that the integrity of the research program to be developed could be compromised through the BLM's environmental and land use planning processes and procedures.

Even if it were determined that the lands in question could be sold under section 203(a) of FLPMA and the provisions of section 203(f) were utilized to enable the university to obtain the property without competitive bidding, payment of fair market value would be required and NEPA would apply. S. 917 would permit the university to obtain the property without consideration and without NEPA compliance.

While we support the university's objectives and do not object to a conveyance of the lands in question to meet those objectives, we cannot support S. 917 as presently drafted. As pointed out above, there are a number of existing authorities under which use of the lands or a conveyance for purposes similar to those proposed by the university was contemplated. Furthermore, Congress has expressed a policy that fair market value should be paid except for conveyance of limited acreage to governmental entities or non-profit associations. Also, the bill does not provide that the conveyance is subject to any reservations made by the Secretary for access to adjacent public lands as he deems necessary.

In addition, we do not believe that Congress intended that NEPA apply only to certain types of major Federal actions or that research projects are to be excluded from NEPA. On the contrary, it is the view of this administration that NEPA should be an integral part of agency operations and decisionmaking. If a Federal benefit is being sought, Federal requirements, including NEPA should apply unless there are special circumstances which on balance would render application of those requirements inconsistent with the public interest. We do not believe that is the situation in this case. Further, since a research project may involve testing of practices which may have significant and possibly damaging environmental impacts, the necessity for NEPA review seems vital.

In view of the need for extensive acreage in connection with the University's plans and the benefits to be derived from range management research and demonstration in the State of Nevada we would not object to enactment of the enclosed draft substitute bill to enable the Secretary to receive and consider the university's application for a conveyance of the lands in question under the provisions of the Recreation and Public Purposes Act, notwithstanding the acreage limitations therein. This would do no more than waive the acreage limitations and would enable the Secretary to consider the university's application for all of the lands and make the conveyance at a low cost to the university, other requirements of the Recreation and Public Purposes Act, such as submission of a plan to the Secretary and the requirement that no more land be conveyed than is needed for the project proposed would remain in effect. Minerals would be reserved and a reverter would be included in the patent. NEPA would apply.

Further, the following technical amendments to the land description in S. 917 are necessary, and should be included in the draft substitute bill:

(1) On page 4, line 15 should read lots 3 and 4, east half southwest quarter, section 19, township 23 north, range 48 east, 110.79 acres.

(2) On page 5, in line 14 the correct acreage in 542.28.

(3) On page 5, line 15, the correct acreage is 543.44.

The Office of Management and Budget has advised that there is no objection to the presentation of this report from the standpoint of the administration's program.

Sincerely,

DANIEL BEARD,
*Acting Assistant Secretary.*

Enclosure.

A BILL To provide for conveyance of certain lands adjacent to the Gund Ranch, Grass Valley, Nevada, to the University of Nevada

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled*, That the Secretary of the Interior is authorized to convey to the University of Nevada upon its application the following lands located in the State of Nevada or any portion thereof, under the provisions of the Act of June 14, 1926, as amended (44 Stat. 741, as amended; 43 U.S.C. 869), but notwithstanding the acreage limitations in subsection (b) (ii) or the limitation on disposition in the last sentence of subsection (c) of the first section of that act.

(1) On page 4, line 15 should read lots 3 and 4, east half southwest quarter, section 19, township 23 north, range 48 east, 110.79 acres.

(2) On page 5, in line 14 the correct acreage in 542.28.

(3) On page 5, line 15, the correct acreage is 543.44.

SEC. 2. No conveyance shall be made under this Act unless application therefor by the University of Nevada is received by the Secretary within one year of the effective date of this Act.

SEC. 3. The land conveyed by this act shall be used for the establishment and operation of a rangeland research station and for the conduct of associated experimental range management and improvement programs. The patent or other document of conveyance issued pursuant to this act shall incorporate that limitation and shall provide that title to the land shall revert to the United States if the land is used for any other purpose.

## CHANGES IN EXISTING LAW

In compliance with subsection 4 of Rule XXIX of the Standing Rules of the Senate, the Committee on Energy and Natural Resources notes that no changes in existing law are made by S. 917, as amended.

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